

# **EXHIBIT**

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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and  
SUZANNE NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT  
& SPINE CARE, P.A., DR. DAVID  
SPIVEY, individually, and SHERRY  
SPIVEY, individually,

Defendants.

**DECLARATION OF BRANDI FREY**

Under penalty of perjury as provided by law, the undersigned certifies pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. My name is Brandi Frey. I am older than the age of legal majority, suffer from no legal disabilities, and am otherwise competent to give this declaration.

2. This declaration is freely and voluntarily given on my own behalf and is based upon my personal knowledge of the matters contained herein.

3. I have been employed at Preferred Pain Management and Spine Care, P.A. ("PPM") since June 24, 2013. I serve as the Patient Finance Manager and report to Dr. Spivey, owner, President, and CEO of PPM.

4. In my role as Patient Finance Manager, I supervised former employees [REDACTED]

[REDACTED] and [REDACTED] I was one of the decision makers involved in the terminations of

[REDACTED] and [REDACTED]

5. [REDACTED] position was eliminated as part of the reorganization and her position was not replaced. [REDACTED] remaining billing duties were reassigned to another employee under forty years old with more accurate work performance.

6. [REDACTED] position was eliminated as part of the reorganization and her position was not replaced. [REDACTED] remaining billing duties were reassigned to another employee under forty years old who was more qualified because she was a certified Medical Claims & Billing Specialist.

7. [REDACTED] position was eliminated as part of the reorganization and her position was not replaced. [REDACTED] remaining billing duties were reassigned to another employee under forty years old who was more qualified because she was a Certified Professional Coder.

8. As one of the decision makers of [REDACTED] and [REDACTED] terminations, I did not consider age, sex, or any protected characteristic in considering or deciding to eliminate their positions.

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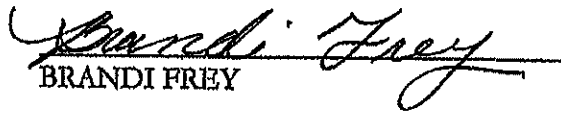
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I swear and affirm under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

FURTHER DECLARANT SAITH NOT.

Executed this 1<sup>st</sup> day of October, 2018.

  
BRANDI FREY

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